

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>NATHAN F. SMITH, #264635 MALCOLM ♦ CISNEROS, A Law Corporation 2112 Business Center Drive Irvine, CA 92612 Phone: (949) 252-9400 Fax: (949) 252-1032 Email: nathan@mclaw.org</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Chapter 7 Trustee, A. Cisneros</p>		<p>FOR COURT USE ONLY</p>	
<p><b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION</b></p>			
<p>In re: JEFFREY S. BEIER,</p> <p>Debtor(s).</p>		<p>CASE NO.: 8:23-bk-10898-TA CHAPTER: 7</p>	
		<p><b>NOTICE OF SALE OF ESTATE PROPERTY</b></p>	

<b>Sale Date:</b> 10/31/2023	<b>Time:</b> 11:00 am
<b>Location:</b> 411 West Fourth Street, Santa Ana CA 92701, Via Zoom Teleconference	

**Type of Sale:** ☒ Public ☐ Private **Last date to file objections:** 10/17/2023

**Description of property to be sold:**

10 Tucson, Coto De Caza, California 92679 – Assessor's Parcel Number 755-241-13

**Terms and conditions of sale:**

"As is - where as"; Closing not later than thirty (30) days after Bankruptcy Court approval of the sale; Subject to Approval and Jurisdiction of the U.S. Bankruptcy Court. Please see contact information below for further details.

**Proposed sale price: \$ 3,200,000.00**

**Overbid procedure (if any):**

See Exhibit "1"

**If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:**

Hearing Date: October 31, 2023  
Time: 11:00 am  
Place: Via Zoom Teleconference  
U.S. Bankruptcy Court  
411 West Fourth Street  
Santa Ana CA 92701

**Contact person for potential bidders (include name, address, telephone, fax and/or email address):**

Brian Thompson  
Winterstone Real Estate and Development  
23792 Rockfield Blvd. STE 101  
Lake Forest, CA 92630  
Phone# 949-981-9120  
e-mail: brianthompsonre@gmail.com

Date: 10/03/2023

1. In order to obtain the highest and best offer for the benefit of creditors of the Estate, Trustee proposes that the following overbid procedures be approved. Notice is being provided of the opportunity for overbidding to all interested parties in this matter.

- a) Only qualified bidders may submit an overbid. A "Qualified Bidder" is one who provides a financial statement, credit report, and such business and banking references as are required in Trustee's reasonable discretion, sufficient to assure Trustee of the bidder's ability (based on availability of financing, experience or other conditions) to consummate the purchase of the Property, and one who can consummate the purchase of the Property on the same terms and conditions, other than price, as those proposed in the Offer.
- b) Each bid must be received by Trustee and his counsel no later than 2 business days prior to the hearing.
- c) The initial overbid must exceed the current highest overbid of \$3,200,000 by at least \$20,000. However, if a qualified overbid includes a reduced broker compensation of 4%, Trustee's Broker will reduce his compensation accordingly (from 5% to 4%). Here, the first overbid must be at least \$3,220,000. Each subsequent bid must then be in increments of at least \$10,000. For instance, the first subsequent bid must be at least \$3,230,000.
- d) Each bid must be non-contingent, and on the same terms and conditions, other than price, as those proposed in the Purchase Agreements with Buyer and Overbidder.
- e) Each bidder must match all terms and conditions of the Purchase Agreements with Buyer and Overbidder. Thus, an "earnest money" deposit of at least \$91,500 must be made. Said deposit must be received by Trustee at 3403 10<sup>th</sup> Street, Suite 714, Riverside, California 92501 by no later than 2 business days prior to the hearing. Said deposit must be in the form of a cashier's check or certified check.

- f) Should a bidder fail to qualify for financing or timely close escrow, the \$91,500 deposit is non-refundable. However, in the event that an overbidder becomes the successful purchaser, Buyer's deposit will be returned to Buyer.
- g) In the event there are no overbids received by Trustee, Overbidder shall, subject to Court approval, be deemed the successful bidder, and the Estate's right, title and interest in the Property shall be sold to Overbidder for the sum of \$3,200,000, as-is, where-as, without representations or warranties.

2. The foregoing procedures will provide for an orderly completion of the sale of the Property by permitting all bidders to compete on similar terms and will allow interested parties and the Court to compare competing bids in order to realize the highest benefit for the Estate.

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
2112 Business Center Drive, 2nd Floor, Irvine, CA 92612

A true and correct copy of the foregoing document entitled: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* 10/03/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

OFFICE OF U.S. TRUSTEE: United States Trustee (SA) [ustpregion16.sa.ecf@usdoj.gov](mailto:ustpregion16.sa.ecf@usdoj.gov)

CHAPTER 7 TRUSTEE: Arturo Cisneros (TR) [amctrustee@mclaw.org](mailto:amctrustee@mclaw.org), [acisneros@iq7technology.com](mailto:acisneros@iq7technology.com); [ecf.alert+Cisneros@titlexi.com](mailto:ecf.alert+Cisneros@titlexi.com)

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On *(date)* 10/03/2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR: Jeffrey S Beier, P O Box 7644, Laguna Niguel, CA 92677

NOTICE: Brian Thompson, Winterstone Real Estate and Development, 23792 Rockfield Blvd. STE 101, Lake Forest, CA 92630

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

10/03/2023  
Date

Diep Quach  
Printed Name

/s/ Diep Quach  
Signature

**SECTION 1 CONT.**

DEBTOR'S ATTORNEY: Anerio V Altman LakeForestBankruptcy@jubileebk.net, lakeforestpacer@gmail.com

NOTICE: Greg P Campbell ch11ecf@aldridgepite.com, gc@ecf.inforuptcy.com;gcampbell@aldridgepite.com

NOTICE: Arturo Cisneros arturo@mclaw.org, CACD\_ECF@mclaw.org

NOTICE: Michael J Hauser michael.hauser@usdoj.gov